

# Daily Digest

## HIGHLIGHTS

Senate agreed to the motion to disagree to the House amendment to S. 3, Partial-Birth Abortion Ban Act.

The House passed H.R. 7, Charitable Giving Act of 2003.

## Senate

### Chamber Action

*Routine Proceedings, pages S11589–S11710*

**Measures Introduced:** Twelve bills were introduced, as follows: S. 1624–1635. **Page S11648**

#### Measures Reported:

S. 1039, to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works, with an amendment. (S. Rept. No. 108–149) **Page S11647**

#### Measures Passed:

**U.S.-Bulgaria Relations:** Committee on Foreign Relations was discharged from further consideration of S. Res. 225, commemorating the 100th anniversary of diplomatic relations between the United States and Bulgaria, and the resolution was then agreed to, after agreeing to the following amendment proposed thereto: **Pages S11706–07**

McConnell (for McCain) Amendment No. 1738 (to the preamble), to make a technical correction. **Page S11706**

**Celebrating the Life of Larry Doby:** Senate agreed to H. Con. Res. 235, celebrating the life and achievements of Lawrence Eugene “Larry” Doby. **Page S11707**

**Interior Department Appropriations:** Senate began consideration of H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, taking action on the following amendments proposed thereto: **Pages S11605–10, S11624–30**

#### Adopted:

Burns/Dorgan Amendment No. 1724, in the nature of a substitute. (Amendment, as agreed to, will be considered original text for the purpose of further amending.) **Pages S11605–10**

#### Pending:

Reid Amendment No. 1731, to prohibit the use of funds for initiating any new competitive sourcing studies. **Page S11624**

Reid Amendment No. 1732, to authorize the Secretary of the Interior to acquire certain lands located in Nye County, Nevada. **Page S11625**

Reid Amendment No. 1733, to provide for the conveyance of land to the city of Las Vegas, Nevada, for the construction of affordable housing for seniors. **Page S11625**

Daschle Amendment No. 1734, to provide additional funds for clinical services of the Indian Health Service, with an offset. **Pages S11629–30**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Thursday, September 18, 2003. **Page S11708**

**Energy and Water Development Appropriations—Agreement:** A unanimous-consent agreement was reached providing that, notwithstanding the September 16, 2003 passage of H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, Senate agree to the following amendment proposed thereto: **Page S11605**

Reid/Domenici Amendment No. 1723, to make available funds for the Army Corps of Engineers for water restoration projects and facilities. **Page S11605**

**Partial-Birth Abortion Ban—House Message:** By a unanimous vote of 93 yeas (Vote No. 351), Senate agreed to the motion to disagree to the House amendment to S. 3, to prohibit the procedure commonly known as partial-birth abortion. **Pages S11589–S11601, S11614–20**

Subsequently, Senate agreed to the request for a conference. **Page S11620**

**Nominations Confirmed:** Senate confirmed the following nominations:

By unanimous vote of 92 yeas (Vote No. EX. 352), R. David Proctor, of Alabama, to be United States District Judge for the Northern District of Alabama.

Pages S11620–21

By unanimous vote of 92 yeas (Vote No. 353), Sandra J. Feuerstein, of New York, to be United States District Judge for the Eastern District of New York.

Pages S11621–23

Richard J. Holwell, of New York, to be United States District Judge for the Southern District of New York.

Stephen C. Robinson, of New York, to be United States District Judge for the Southern District of New York.

P. Kevin Castel, of New York, to be United States District Judge for the Southern District of New York.

Page S11623

**Nominations Received:** Senate received the following nominations:

William Cabaniss, of Alabama, to be Ambassador to the Czech Republic.

Louise V. Oliver, of the District of Columbia, to be a Representative of the United States of America to the Thirty-second Session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization.

Louise V. Oliver, of the District of Columbia, for the rank of Ambassador during her tenure of service as the United States Permanent Representative to the United Nations Educational, Scientific, and Cultural Organization.

Roderick R. Paige, of Texas, to be a Representative of the United States of America to the Thirty-second Session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization.

Routine lists in the Air Force, Army, Navy.

Pages S11708–10

**Messages From the House:** Pages S11640–41

**Measures Referred:** Page S11641

**Measures Placed on Calendar:** Page S11641

**Measures Read First Time:** Page S11707

**Executive Communications:** Pages S11641–44

**Petitions and Memorials:** Pages S11644–47

**Executive Reports of Committees:** Pages S11647–48

**Additional Cosponsors:** Pages S11648–49

**Statements on Introduced Bills/Resolutions:** Pages S11649–87

**Additional Statements:** Pages S11637–40

**Amendments Submitted:** Pages S11687–S11705

**Authority for Committees to Meet:** Pages S11705–06

## Privilege of the Floor:

Page S11706

**Record Votes:** Three record votes were taken today. (Total—353)

Pages S11620, S11621, S11622

**Adjournment:** Senate met at 8:30 a.m., and adjourned at 6:32 p.m., until 9:30 a.m., on Thursday, September 18, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S11708.)

## Committee Meetings

(Committees not listed did not meet)

### DIGITAL MEDIA MARKETPLACE

*Committee on Commerce, Science, and Transportation:* Committee concluded a hearing on digital rights management and privacy issues, focusing on interests of copyright owners and the threats to those interests that are posed by the misuse of new technologies, including peer-to-peer software, after receiving testimony from William Barr, Verizon Communications, Arlington, Virginia; James D. Ellis, SBC Communications Inc., San Antonio, Texas; John Rose, EMI Group and EMI Music, New York, New York; Lawrence J. Blanford, Philips Consumer Electronics North America, Atlanta, Georgia; Edward W. Felten, Princeton University, Princeton, New Jersey; and Cary Sherman, Recording Industry Association of America, Alan Davidson, Center for Democracy and Technology, Jack Valenti, Motion Picture Association of America, and Chris Murray, Consumers Union, all of Washington, D.C.

### NOMINATIONS

*Committee on Commerce, Science, and Transportation:* Committee concluded a hearing to examine the nominations of Gwendolyn Brown, of Virginia, to be Chief Financial Officer, National Aeronautics and Space Administration, who was introduced by Senator Stevens, Karen K. Bhatia, of Maryland, to be an Assistant Secretary of Transportation for Aviation and International Affairs, and Charles Darwin Snelling, of Pennsylvania, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority, who was introduced by Senator Specter, after each nominee testified and answered questions in their own behalf.

### BUSINESS MEETING

*Committee on Energy and Natural Resources:* Committee ordered favorably reported the following business items:

S.J. Res. 16, to approve the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia", and the

“Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands”, and otherwise to amend Public Law 99–239, and to appropriate for the purposes of amended Public Law 99–239 for fiscal years ending on or before September 30, 2023, with an amendment; and

The nominations of Suede G. Kelly, of New Mexico, to be a Member of Federal Energy Regulatory Commission, and Rick A. Dearborn, of Oklahoma, to be an Assistant Secretary of Energy for Congressional and Intergovernmental Affairs.

### BUSINESS MEETING

*Committee on Finance:* Committee ordered favorably reported the following business items:

S. 1548, to amend the Internal Revenue Code of 1986 to provide incentives for the production of renewable fuels and to simplify the administration of the Highway Trust Fund fuel excise taxes, with an amendment in the nature of a substitute. (As approved by the committee, the substitute amendment includes the Extension of Highway Trust Fund Provisions.);

An original bill entitled National Employee Savings and Trust Equity Guarantee Act; and

H.R. 743, to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, with an amendment in the nature of a substitute.

### FUTURE OF U.S. POSTAL SERVICE

*Committee on Governmental Affairs:* Committee concluded a hearing to examine what can be done to ensure the future viability of the U.S. Postal Service, focusing on universal mail service, best business practices, processing and distribution facilities, leveraging the private sector, and information technology, after receiving testimony from James A. Johnson, Perseus, L.L.C., Washington, D.C., on behalf of the President’s Commission on the U.S. Postal Service.

### LUMBEE ACKNOWLEDGMENT

*Committee on Indian Affairs:* Committee concluded a hearing to examine S. 420, to provide for the ac-

knowledge of the Lumbee Tribe of North Carolina, focusing on Lumbee identity and culture, governance, and tribal history, after receiving testimony from Senator Dole; Representatives McIntyre and Faleomavaega; Aurene M. Martin, Principal Deputy Assistant Secretary of the Interior for Indian Affairs; Milton Hunt, Pembroke, North Carolina, Jack Campisi, Red Hook, New York, and Arlinda Locklear, Patton Boggs, Jefferson, Maryland, all on behalf of the Lumbee Tribe of North Carolina; and James T. Martin, United South and Easter Tribes, Nashville, Tennessee.

### NOMINATIONS

*Committee on the Judiciary:* Committee concluded a hearing on the nominations of Margaret Catharine Rodgers, to be United States District Judge for the Northern District of Florida, who was introduced by Senator Nelson; Roger W. Titus, to be United States District Judge for the District of Maryland, who was introduced by Senators Mikulski and Sarbanes; and George W. Miller, of Virginia, to be a Judge of the United States Court of Federal Claims, who was introduced by Senator Allen, after the nominees testified and answered questions in their own behalf.

### COMBATING GANG VIOLENCE

*Committee on the Judiciary:* Committee concluded a hearing to examine effective federal, state and local law enforcement strategies to combat gang violence in America, focusing on the investigation and prosecution of gang members, Safe Streets Task Forces, and witness intimidation, after receiving testimony from Patrick J. Fitzgerald, United States Attorney, Northern District of Illinois, Debra W. Yang, United States Attorney, Central District of California, Christopher J. Christie, United States Attorney, District of New Jersey, and Grant D. Ashley, Assistant Director, Criminal Investigative Division, Federal Bureau of Investigation, all of the Department of Justice; Eddie J. Jordan, Jr., District Attorney, District of New Orleans, New Orleans, Louisiana; Robert P. McCulloch, Prosecuting Attorney, St. Louis County, Missouri, on behalf the National District Attorneys Association; and Wesley D. McBride, California Gang Investigators Association, Huntington Beach.

# House of Representatives

## Chamber Action

**Measures Introduced:** 32 public bill, H.R. 3106–3137; and 4 resolutions, H. Con. Res. 285–286 and H. Res 372–373, were introduced.

**Pages H8380–81**

**Additional Cosponsors:**

**Pages H8381–83**

**Reports Filed:** Reports were filed as follows:

H.R. 1813, to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign centers and programs for the treatment of victims of torture (H. Rept. 108–261, Pt. 2);

H.R. 2572, to authorize appropriations for the benefit of Amtrak for fiscal years 2004 through 2006 (H. Rept. 108–274);

H.R. 3038, to make certain technical and conforming amendments to correct the Health Care Safety Net Amendments of 2002 (H. Rept. 108–275); and

H.R. 3034, to amend the Public Health Service Act to reauthorize the National Bone Marrow Donor Registry, amended (H. Rept. 108–276). **Page H8380**

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Culberson to act as Speaker Pro Tempore for today. **Page H8287**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

**Hospital Mortgage Insurance Act of 2003:** H.R. 659, to amend section 242 of the National Housing Act regarding the requirements for mortgage insurance under such Act for hospitals; **Pages H8290–92**

**Korean War Veterans Recognition Act of 2003:** H.R. 292, to amend title 4, United States Code, to add National Korean War Veterans Armistice Day to the list of days on which the flag should especially be displayed; **Pages H8292–93**

**Extending the Immigrant Religious Worker Program:** H.R. 2152, to amend the Immigration and Nationality Act to extend for an additional 5 years the special immigrant religious worker program; and **Pages H8293–95**

**Internet Tax and Nondiscrimination Act:** H.R. 49, to permanently extend the moratorium enacted by the Internet Tax Freedom Act. **Pages H8295–H8301**

**Charitable Giving Act of 2003:** The House passed H.R. 7, to amend the Internal Revenue Code of 1986 to provide incentives for charitable contribu-

tions by individuals and businesses by a ye-a-and-nay vote of 408 yeas to 13 nays, Roll No. 508.

**Pages H8301–56**

Rejected the Neal of Massachusetts motion to recommit the bill to the Committee on Ways and Means with instructions by a recorded vote of 201 ayes to 221 noes, Roll No. 507. **Pages H8345–55**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Ways and Means and printed in the bill, as modified by the amendment printed in part A of H. Rept. 108–273 was adopted as the original bill for the purpose of amendment. **Page H8356**

Rejected:

Cardin amendment in the nature of a substitute, printed in part B of H. Rept 108–273, that includes all the provisions in the bill and also increases funding for the Social Security Block Grant by a ye-a-and-nay vote of 203 yeas to 220 nays, Roll No. 506.

**Pages H8326–45**

H. Res. 370, the rule providing for consideration of the bill was agreed to by a voice vote. **Page H8345**

**Tax Relief, Simplification, and Equity Act—Motion to Instruct Conferees:** The House considered the Ryan of Ohio motion to instruct conferees on H.R. 1308, Tax Relief, Simplification, and Equity Act. Further consideration of the motion will resume on September 23. **Pages H8359–61**

**Medicare Prescription Drug Benefit—Motion to Instruct Conferees:** The House considered the Stenholm motion to instruct conferees on H.R. 1, Medicare Prescription Drug and Modernization Act of 2003. Further consideration of the motion will resume on September 23. **Pages H8361–66**

**National Defense Authorization Act—Motion to Instruct Conferees:** The House considered the Rodriguez motion to instruct conferees on H.R. 1588, National Defense Authorization Act for Fiscal Year 2004. Further consideration of the motion will resume on September 23. **Pages H8366–69**

**Meeting Hour:** Agreed that when the House adjourns tomorrow, September 18, it adjourn to meet at 12:00 p.m. on Monday, September 22, and further that when the House adjourns on Monday, it adjourn to meet at 12:30 p.m. on Tuesday, September 23 for morning hour debate. **Page H8369**

**Calendar Wednesday:** Agreed to dispense with the Calendar Wednesday business of Wednesday, September 24. **Page H8369**

**Adjournment:** The House met at 10:00 a.m. and adjourned at 6:44 p.m.

## *Committee Meetings*

### **GRADUATE OPPORTUNITIES IN HIGHER EDUCATION ACT; INTERNATIONAL STUDIES IN HIGHER EDUCATION ACT**

*Committee on Education and the Workforce:* Subcommittee on Select Education approved for full Committee action, as amended, the following bills: H.R. 3076, Graduate Opportunities in Higher Education Act; and H.R. 3077, International Studies in Higher Education Act.

### **OCCUPATIONAL SAFETY AND HEALTH SMALL EMPLOYER ACCESS TO JUSTICE ACT**

*Committee on Education and the Workforce:* Subcommittee on Workforce Protections held a hearing on H.R. 2731, Occupational Safety and Health Small Employer Access to Justice Act of 2003, Testimony was heard from public witnesses.

### **INTERNATIONAL CONSUMER PROTECTION ACT**

*Committee on Energy and Commerce:* Subcommittee on Commerce, Trade and Consumer Protection held a hearing on the International Consumer Protection Act of 2003. Testimony was heard from Timothy J. Muris, Chairman, FTC; and public witnesses.

### **SARBANES-OXLEY: ARE FINANCIAL STATEMENTS MORE RELIABLE?**

*Committee on Financial Services:* Held a hearing entitled "Accounting under Sarbanes-Oxley: Are financial statements more reliable?" Testimony was heard from William H. Donaldson, Chairman, SEC; and William J. McDonough, Chairman, Public Company Accounting Oversight Board.

### **OVERSIGHT—FEDERAL GOVERNMENT REORGANIZATION—RECOMMENDATIONS—NATIONAL COMMISSION ON PUBLIC SERVICE**

*Committee on Government Reform:* Subcommittee on Civil Service and Agency Organization held an oversight hearing titled "Human Capital Planning: Exploring the National Commission on the Public Service's Recommendations for Reorganizing the Federal Government." Testimony was heard from David M. Walker, Comptroller General, GAO; Clay Johnson III, Deputy Director, Management, OMB; and Paul A. Volcker, Chairman, National Commission on the Public Service.

### **NATIONAL SUPPLY REDUCTION STRATEGY IMPLEMENTATION**

*Committee on Government Reform:* Subcommittee on Criminal Justice, Drug Policy and Human Resources held a hearing entitled "Implementation of National

Supply Reduction Strategy." Testimony was heard from Barry Crane, Deputy Director, Supply Reduction, Office of National Drug Control Policy.

### **OVERSIGHT—SECURITY IN SOFTWARE**

*Committee on Government Reform:* Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census held an oversight hearing titled "Exploring Common Criteria: Can It Ensure That the Federal Government Gets Needed Security in Software?" Testimony was heard from Edward A. Roback, Chief, Computer Security Division, National Institute of Standards and Technology, Department of Commerce; the following officials of the Department of Defense: Michael G. Fleming, Chief, Information Assurance Solutions Group, Information Assurance Directorate, NSA; and Robert G. Gorrie, Deputy Director, Defense-wide Information Assurance Program; and public witnesses.

### **OVERSIGHT—ENVIRONMENTAL ASPECTS—MODERN OIL AND GAS DEVELOPMENT**

*Committee on Resources:* Subcommittee on Energy and Mineral Resources held an oversight hearing on "Environmental Aspects of Modern Oil and Gas Development." Testimony was heard from Representative Vitter; Steve Kolian, Environmental Scientist, Department of Environmental Quality, State of Louisiana; and public witnesses.

### **OVERSIGHT—FOREST SERVICE RECREATION FEE DEMONSTRATION PROGRAM**

*Committee on Resources:* Subcommittee on Forests and Forests Health held an oversight hearing on the Forest Service Recreation Fee Demonstration Program. Testimony was heard from Tom Thompson, Deputy Chief, National Forest System, U.S. Forest Service, USDA; Barry Hill, Director, Natural Resources and Environment, GAO; and public witnesses.

### **NATIONAL SMALL BUSINESS WEEK**

*Committee on Small Business:* Held a hearing on National Small Business Week: Small Business Success Stories. Testimony was heard from public witnesses.

### **OVERSIGHT—NATION'S INTERMODAL TRANSPORTATION SYSTEM**

*Committee on Transportation and Infrastructure:* Subcommittee on Water Resources and Environment held an oversight hearing on Contributions of Ports and Inland Waterways to the Nation's Intermodal Transportation System. Testimony was heard from Norman Y. Mineta, Secretary of Transportation; and the following officials of the Department of the Army: John Paul Woodley, Assistant Secretary (Civil

Works); and Robert B. Flowers, Chief, Corps of Engineers.

### COMMITTEE BUSINESS

*Permanent Select Committee on Intelligence:* Met in executive session to consider pending Committee business.

### JOINT INQUIRY RECOMMENDATIONS

*Permanent Select Committee on Intelligence:* Subcommittee on Intelligence Policy and National Security met in executive session to consider recommendations from the Joint Inquiry.

### POWER BLACKOUTS IMPLICATIONS— NATION'S CYBERSECURITY AND CRITICAL INFRASTRUCTURE PROTECTION

*Select Committee on Homeland Security:* Subcommittee on Cybersecurity, Science, and Research and the Subcommittee on Infrastructure and Border Security concluded joint hearings entitled "Implications of Power Blackouts for the Nation's Cybersecurity and Critical Infrastructure Protection: The Electric Grid, Critical Interdependencies, Vulnerabilities, and Readiness." Testimony was heard from Robert Liscouski, Assistant Secretary, Infrastructure Protection Directorate, Department of Homeland Security; Denise Swink, Acting Director, Office of Energy Assurance, Department of Energy; Robert F. Dacey, Director, Information Security, GAO; and Col. Michael McDaniel, Assistant Adjutant General, Homeland Security, State of Michigan.

## Joint Meetings

### CHECHNYA

*Commission on Security and Cooperation in Europe (Helsinki Commission):* on Tuesday, September 16, 2003, Commission concluded a hearing to examine the current situation and future of Chechnya, after receiving testimony from Steven Pifer, Deputy Assistant Secretary of State for European and Eurasian Affairs; Lord Frank Judd, Member of the British House of Lords, London, United Kingdom, former Co-Chairman, Council of Europe-Duma Parliamentary Working Group on Chechnya; and Robert Bruce Ware, Southern Illinois University, Carbondale; and Anna Politkovskaya, Moscow, Russia.

### HOMELAND SECURITY APPROPRIATIONS ACT

*Conferees* agreed to file a conference report on the differences between the Senate and House passed

versions of H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004.

### LEGISLATIVE BRANCH APPROPRIATIONS ACT

*Conferees* agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 2657, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004.

### DEFENSE APPROPRIATIONS ACT

*Conferees* met in closed session and agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004.

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### COMMITTEE MEETINGS FOR THURSDAY, SEPTEMBER 18, 2003

(Committee meetings are open unless otherwise indicated)

#### Senate

*Committee on Armed Services:* to hold a closed briefing on ongoing military operations and areas of key concern around the world, 10:30 a.m., SR-222.

*Select Committee on Intelligence:* to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH-219.

#### House

*Committee on Government Reform,* to consider the following: H. Con. Res. 106, recognizing and honoring America's Jewish community on the occasion of its 350th anniversary, supporting the designation of an "American Jewish History Month;" H. Con. Res. 270, supporting the goals and ideals of College Savings Month; H. Res. 357, Honoring the life and legacy of Bob Hope; H.R. 2075, to designate the facility of the United States Postal Services located at 1905 West Blue Heron Boulevard in West Palm Beach, Florida, as the "Judge Edward Rodgers Post Office Building;" H.R. 2533, to designate the facility of the United States Postal Service located at 10701 Abercorn Street in Savannah, Georgia, as the "J.C. Lewis, Jr. Post Office Building;" and H.E. 3068, to designate the facility of the United States Postal Service located at 2055 Siesta Drive in Sarasota, Florida, as the "Brigadier General (AUS-Ret.) John H. McLain Post Office," followed by a hearing titled "What Happened to GPRA? A Retrospective Look At Government Performance and Results," 10 a.m., 2154 Rayburn.

*Next Meeting of the SENATE*

9:30 a.m., Thursday, September 18

*Next Meeting of the HOUSE OF REPRESENTATIVES*

10 a.m., Thursday, September 18

## Senate Chamber

**Program for Thursday:** Senate will continue consideration of H.R. 2691, Interior Department Appropriations.

## House Chamber

**Program for Thursday:** The House will meet in pro forma session at 10 a.m.

## Extensions of Remarks, as inserted in this issue

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